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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,438

Applicant(s)

SMITH ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Response to Final Office Action dated 01/10/2005 was received on 02/08/2005 and has been entered into record with filling of Request for Continued Examination received on 03/21/2005.
2. Newly added claims **39-47** were entered with filling of Request for Continued Examination received on 03/21/2005.
3. Claims **1-47** are pending in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**), hereinafter referenced to as Schultz in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Hawkins et al. (U.S. Patent Number **6,389,421 B1**) hereinafter referenced to as Hawkins.

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Regarding claim 1, Schultz disclosed a system and method for presenting data from a plurality of sources to a user. The system includes a plurality of information sources, a user interface (**data event destination module 204a-c**), content storage and a server (**data worker module 200**) connected to the user interface and the content storage (**Abstract**). Schultz depicted in **FIG. 3 and described in column 6 lines 9-12**, a way to reach the information source through a slave server (data source interface module 202). The user may be notified via e-mail or message to a channel when a particular event occurs which describes event-driven configurable structure. (**Abstract, Figs. 1-3, column 13 lines 19-31**).

Shultz taught to automatically selectively retrieving and presenting information or content (data it self) to end-users from at least one data source (data warehouse) and specifically a user interface with means for identifying data published (**figs. 1-3, column 3 lines 19-30 and 53-61, column 4 lines 55-61, column 5 lines 32-45 [providing pointers and storing content internally] and claims 4 and 20**), therefore depicting the features and means for the system automatically selectively retrieve and present data according to a first user criteria (or a data worker).

Shultz, Takahashi and Hawkins expressed concern about users managing large amounts of information related to Internet-information-retrieval-outbreak (**see the Background of the Invention in column 1 in Shultz and Takahashi; and Hawkins in column 1 lines 15-25**). Shultz and Takahashi disclosed sending messages, alerts or

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notification to the user based on predetermined criteria, among other similarities (**Shultz column 4 lines 3-61 and Takahashi column 11, lines 1-65**).

It would have been obvious to one of ordinary skill in the art working with Shultz at the time the invention was made to modify the methods/systems of Shultz with the teachings of Takahashi, motivated by Takahashi to explore the art of facilitating the transfer of information from the WWW to a user's computer or to a central-processing/intermediary system (column 1 lines 20-36) and motivated by Shultz to provide tools to overcome the problem of requiring a long-time-to-retrieve-information and requirement of a learning curve in order to retrieve relevant information published (for example in the Internet) (column 1 lines 20-38), in order to provide a system/method for automatically selectively retrieving information/content/data/messages from at least one data source based on predetermined user criteria (**Shultz: figs. 1-3, column 3 lines 19-30 and 53-61, column 4 lines 55-61, column 5 lines 32-45 [providing pointers and storing content internally] and claims 4 and 20**) (for example Messenger or Search Filter such as those taught by **Takahashi: figs. 3, 5 and 7**) and automatically selectively redistributing such information/content/data/messages to a destination device (for example personal computer, cellular phone, pager or fax as taught by **Takahashi: fig. 5 and taught by Shultz in column 6 lines 4-18**) based on predetermined user criteria (for example a router programmed with forwarding information as taught by **Takahashi: figs. 5 and column 8 lines 12-39**), therefore benefiting the end-user by facilitating the

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retrieval of relevant content from the growing plethora of information published in the Internet and other data sources in a timely fashion to a plurality of output devices.

Shultz combined with Takahashi, taught the invention substantially as claimed, however this combination did not expressively taught details regarding implementing processes in individual threads.

Hawkins disclosed an invention related to data retrieval and on behalf of a user **(column 1 lines 5-11 and column 2 lines 56-67)** and taught the implementation of processes related to user requests "Limiting to one watermarking thread per processor" **(column 4 lines 1-9 and lines 39-45)**. Additionally, Hawkins taught a decentralized approach based in the utilization of a plurality of processors **(column 3 lines 63-67)**. Therefore Hawkins depicted information retrieval system acting on behalf of a user request that **implements requests in threads and executes each thread individually.**

It would have been obvious to one of ordinary skill in the art working with Shultz modified by Takashi, to further modify Shultz modified by Takahashi with the teachings of Hawkins, in order to further improve time required to retrieve information as taught by **Hawkins in column 4 lines 1-9**. **Shultz modified by Takahashi motivated the exploration of the art of retrieving information from the Internet (Takahashi: fig. 2 [10]), which is part of the Hawkins disclosure in column 1 lines 5-25. Shultz modified by**

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Takahashi motivated the exploration of the art of providing tools to overcome the problem of requiring a long-time-to-retrieve-information (Shultz: column 1 lines 20-38).

The resulting combination would have provided a content retrieval system that implements user requests as individual threads or separate execution units (Hawkins: **column 4 lines 1-9**) enhancing the throughput and minimizing the long-time-to-retrieve-information problem.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

Regarding claim 2, **the combination** further taught a method/system interfacing with a short messaging system (**Takahashi: column 7 lines 37-67**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods/systems of Shultz with the teachings of Takahashi, motivated by Shultz to explore the art of sending short (headlines) alerts to end-users (column 3 lines 53-61), in order to provide a system/method for sending alerts in the form of e-mail or in the form of a short message formatted to be presented in a pager and sent to the end-user by interfacing with a short messaging system (Takahashi: fig. 5 [81] and column 7 lines 37-67). Therefore providing the benefit of reaching the user in a plurality of mobile destination devices.

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Regarding claim 3, Schultz disclosed in a data entry device 20 and a server 12 as two separate components of the system 10, therefore describing an abstracted design. (Column 2 lines 57-65).

Regarding claim 4, **the combination** further disclosed the inclusion of a search engine 30 in **fig. 2, in Shultz** and further describes its purpose in **column 5 lines 24-32 in Shultz**.

Regarding claim 5, after a closer review of the prior art Examiner clarifies that **the combination taught** specific details regarding a query engine adapted to query a web page for content (**Takahashi: column 4 line 50 to column 5 line 54**). In particular in **column 5 lines 43-57**, Takahashi recites:

"The present invention is also preferably used with a programmable information collector 100. The programmable information collector may be a conventional news clipping application for **searching the World Wide Web 105**. However, preferably the programmable information collector comprises one of the information assistants of the BEHALF application of Fujitsu, Ltd. **The information collector 100 preferably has a search filter 102 that utilizes keyword(s) and/or other search criteria to search one or more user-selected web-sites**. Preferably the user may program the times at which programmable information collector 100 searches for information. As indicated in FIG. 3, information acquired by programmable information collector 100 is stored in the message document storage module 90."

6. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above; and further in view of International Business Machines Corporation (**A Process for Customized Information Delivery**), hereinafter referenced to as IBM.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

Regarding claim **10**, **the combination** did not teach specific details regarding a formatter module to format content into XSL-information.

IBM teaches that the web pages are then run through a speech synthesizer to create an audio file, therefore describing a module that effectively changes the format of the information or content (**paragraph 6 line 1**). The advantage of the format change taught by IBM is to provide the user with the information in a way that he/she won't need to use his/her hands and eyes while driving the car.

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further modify **the combination** with the teachings of IBM to ease the information retrieval for the user, in order to provide the user with the information in a way that he/she won't need to use his/her hands and eyes while driving the car as taught by **IBM in paragraph 6**; motivated by the suggestion found in **the combination** to convert data to be presented to the user in an output device (**Takahashi: Fig. 5 [80]**).

Regarding claim **14**, web pages are created with HTML, therefore its inherent that the information received by the data source interface as disclosed by IBM contains

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HTML format data (see web page definition in The American Heritage® Dictionary, fourth edition, page 1554).

7. Claim **6-9, 19 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above, and further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as **'the combination'**.

Regarding claim **6**, **the combination** taught the invention substantially as claimed however, **the combination of Shultz with Takahashi** did not teach specific details regarding a query engine adapted to query a database for content.

Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**). The advantages of searching a database to find information are well known to one with ordinary skills in the art at the time of the invention and include access to vast amounts of information arranged for ease of retrieval.

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further combine **the combination** with the teachings of Herz, motivated by Herz to exploration of the art of using the WWW (**column 8, lines 18-21**) or the internet (taught by Shultz as a factor worsens the problem to be solved in **column 1 lines 26-28**) in order to provide a system that specifically query a database for content to add a different data source. Moreover strong suggestion to query a database for content is found in **the combination (See Shultz figure 3 [16 and 44] and figure 4, and column 6 lines 4-17)**.

8. Regarding claim 19, **the combination** taught the invention substantially as claimed however **the combination** did not teach specific details regarding a Lotus database.

Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**) and specifically extending the invention to search E-mails in **column 77 lines 16-77**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the combination** with the teachings of Herz to query an e-mail database (**taught by Herz in column 77 lines 16-77**) such as a Lotus database to

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augment the searchable data sources; given the motivation provided by **the combination** to explore the art of using an e-mail server as source (**Takahashi: fig. 2 and fig. 3 [52]**).

Regarding claim **21**, **the combination** further modified with the teachings of Herz taught the invention substantially as claimed. However, **the combination** further modified with the teachings of Herz did not expressly teach specific details regarding the use of XSL. Nevertheless, according to the definition of XSL, it is a language that allows describing how files are encoded in XML. It is well known in the art that XSL is a language, which allows one to describe how files encoded in the XML standard are to be formatted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use in an environment using XML, wherein XSL is inherent, instead of HTML found in web pages (**Takahashi: column 4 line 50 to column 5 line 54**) as a substitute markup language for data exchange.

Regarding claim **7**, **the combination** did not teach specific details regarding a query engine adapted to query a database for content using JDBC. However the advantages of JDBC are well known in the art of communicating with data sources (databases), such advantages by definition include: (a) It provides the specification for programs written in JAVA to connect with popular databases and (b) allow to encode access request statements written in Structured Query Language (SQL). It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the

invention was made to further modify combine **the combination** with the teachings of Herz to query a database for content using JDBC to gain access to a plurality of well known databases from programs written in JAVA.

Regarding claim **8**, Herz further describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**), Herz further inherently disclosed querying an e-mail account in **column 77 lines 16-77**.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the combination** with the teachings of Herz to query e-mail accounts for content (**column 33 lines 43-45 and column 77 lines 16-77**), since e-mail accounts are well known to be stored in electronic mail databases or other type of searchable electronic files, thus adding a different data source to **the combination**.

Regarding claim **9**, Herz further teaches a system that evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects (**column 1 lines 27-30**) and said target objects are described to be electronically stored as text files can include commercially provided news articles, published documents, letters, user-generated documents, descriptions of

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physical objects, or combinations of these classes of data (**column 33 lines 52-56**), therefore describing documents in different formats but stored in text format (transformed from their original format).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the combination** with the teachings of Herz to improve information retrieval time by tenderizing the format in which the information is stored as taught by Herz in **column 1, lines 27-30 and column 33, lines 52-56**.

9. Claims **11,12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above; and further in view of the definition of XML in The American Heritage® Dictionary, Fourth Edition.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

Regarding claims **11 and 12**, **the combination** did not teach specific details regarding the use of XML information transmitted from the data event destination module or received by the data source interface module; and also fail to teach the use of a protocol converter. According to The American Heritage® Dictionary, XML is a meta-language written in SGML that allows one to design a markup language and

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facilitates the exchange of data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the combination** teachings to use a widely known language such as XML to facilitate data exchange and resend the user the information in an uniform format.

Regarding claim **12**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a protocol converter to provide a single protocol transmission. Moreover **the combination** taught converting formats, which is commensurate with converting protocols, in order to forward data to user devices (**Takahashi: Fig. 5 [80]**).

Regarding claim **15**, **the combination** further disclosed the inherent use of IMAP to communicate with e-mail server as depicted in Takahashi in figures 2 and 3.

Regarding claim **16**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time the invention was made to retrieve the requested information using a widely known language such as XML to facilitate data exchange.

10. Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above; further in view of

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the definition of XML in The American Heritage® Dictionary, Fourth Edition and further in view of McConnell et al. (An Experimental 4-Mb Flash EEPROM with Sector Erase) hereinafter referenced to as McConnell.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as **'the combination'**.

The combination of **the combination** in view of the XML definition taught the invention substantially as claimed, however did not teach specific details regarding XML data stream one byte at a time. Takahashi disclosed a system/method transmitting messages to devices with limited resource (pager) (fig. 2). McConnell teaches memory that may be programmed 1 byte at a time while describing an experimental EEPROM flashing process on 4-Mbs density flash memories (**McConnell: abstract**). Portable devices do not incorporate large amounts of resource due to space constraints and other limitations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made further modify **the combination** in view of the XML definition with the teachings of McConnell (**McConnell: abstract**) or with common knowledge in the art to read large amounts of data sub-dividing said data for transmission or processing to overcome hardware limitations.

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11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above, further in view of Herz (U.S. Patent Number 6,029,195), hereinafter referenced to as Herz and further in view of Kantor et al. (Request for Comments: 977, Network Working Group) hereinafter referenced to as Kantor.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as **'the combination'**.

The combination did not teach specific details regarding a news serve as a data source.

Herz teaches a system that receives articles for storage in the mass storage systems of the information servers (**column 62 lines 47-55**). Those articles are described as to be online and available from a wide variety of sources such as the AP or Reuters (**column 63 lines 26-28**).

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further modify **the combination** with the teachings of Herz (**column 63 lines 26-28**) to augment the searchable data sources. Having said that, NNTP to communicate with a "news server" is inherent in it is in Herz (**column 63 lines 26-28**); moreover the use of such protocol it is a well know

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in the art to be used to transfer articles between servers (**Request for Comments: 977, Sections 1.2-1.4**). **The combination** motivated the exploration of the art of using news servers as sources of information (**Takahashi: column 4 lines 58-59**).

12. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, and further in view of Hawkins, as applied above; and further in view of Small et al. (**Request for Comments: 2739, Network Working Group**) hereinafter referenced to as Small.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

The combination of did not teach specific details regarding a vcalendar as a data source.

Small teaches clients that are capable of retrieving information from calendaring and scheduling systems (**section 1.1**).

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further modify **the combination** with the teachings of Small (**section 1.1**) to augment the searchable date sources, in

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order to improve **the combination** by adding additional data sources to be searched including calendar sources such as those taught by Small in **section 1.1**.

13. Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shultz modified by Takahashi and further modified by Hawkins, as applied above; and further in view of Macera et al. (U.S. Patent Number **5,490,252**), hereinafter referenced to as Macera.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

The combination did not teach specific details regarding a SNMP MIB as a data source.

Macera teaches a system wherein through extensions to the SNMP MIB, information can be collected; describing every element of the BES network including all supported network-layer protocols and network circuit types (**column 8 lines 62-65**).

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further modify **the combination** with the teachings of Macera to augment the searchable data sources; therefore improving the teachings of **the combination** by adding capabilities such as collecting

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information in a BES network wherein by means of an SNMP MIB as depicted in Macera in **column 8 lines 62-65**.

14. Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, further in view of Hawkins; and further in view of Reed et al. (U.S. Patent Number **6,088,717**), hereinafter referenced to as Reed.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as **'the combination'**.

The combination did not teach specific details regarding the adapted data worker capable of generating an event listener capable to be activated at behest of the user.

Reed teaches a communication system that allows users to receive an e-mail notification from a database agent monitoring the database when a new entry or a certain condition has been made in that database (**column 6 lines 62-66**). Reed teaches that data exchange event initiated either manually by the consumer or automatically (**column 76 lines 8 and 9**).

It would have been obvious to one of ordinary skill in the art working with **the combination** at the time the invention was made to further modify **the combination** with the teachings of Reed to provide the user the monitoring functionality and the

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manually triggered activation of said monitoring functionality in order to improved **the combination** with Reed's teachings by adding additional a flexible monitoring (event listener) functionality that can be activated automatically or at user behest as depicted in Reed in **column 6, lines 62-66 and column 76, lines 8 and 9.**

15. Claims **23, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, further in view of Hawkins, as applied above; further in view of Reed et al. (U.S. Patent Number **6,088,717**), hereinafter referenced to as Reed as applied to claim 22 above; and further in view of von-Bultzingloewen et al. (**Active Information Delivery In A CORBA-Based Distributed Information System**) hereinafter von-Bultzingloewen.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as '**the combination**'.

The combination modified with the teachings of Reed did not teach specific details regarding a data destination filter. von-Bultzingloewen teaches a process to monitor database value changes, upon the detection of a change three CLIPS rules are executed. The first one to indicate that an event has occurred, effectively detecting "a change in content". The second one to querying the changed value and creating a fact. A third one to compare the new value to a limit value to determine if no action will proceed or if a notification will be sent, effectively detecting "a particular change in the

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content” and determining or “filtering” the action to be taken (**page 225 paragraphs 1 and 2**). Shultz combined with Reed would result to be improved if combined with von-Bultzingloewen teachings by adding the advantage of different actions depending on the event that is monitored. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shultz, Reed and von-Bultzinsgloewen to provide the user the monitoring functionality and different reactions to different events results.

16. Claims 26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, further in view of Hawkins, as applied above; and further in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl.

Shultz modified by Takahashi and further modified by Hawkins is hereinafter referenced to as **‘the combination’**.

The combination disclosed the invention substantially as claimed including a system wherein a data entry device includes a user interface that **allows the user to select data in an individualized way and motivates the exploration of the art in providing alerts (monitoring or listeners)** (Shultz: figs. 1-3, column 3 lines 19-30 and 53-61, column 4 lines 55-61, column 5 lines 32-45 and claims 4 and 20).

Zirngibl disclosed a system and method for the creation and automatic deployment of personalized, dynamic and interactive voice services, including information derived from on-line analytical processing (OLAP) systems and other data repositories. According to one of the disclosed embodiments Zirngibl disclosed that once a voice service is created, the system monitors predetermined conditions to determine when the voice service should be executed (event listener). Each voice service is executed when one or more predetermined conditions are met as specified during creation of the voice service. For example, a voice service may be executed according to a predetermined schedule or based on a triggering event (e.g., one or more conditions are met based on the output of an OLAP or other report). In the OLAP report implies the monitoring of a particular source and scheduled of triggered actions represent means for automatically and periodically executing an actions. When the predetermined condition is satisfied, the voice service is executed. Executing a voice service includes the steps of generating the content specified by the voice service and the user preferences. Some users may have identical personalization options and, thus, a single call structure may be generated for a group of users with identical personalization options. The content of the voice service includes the information that is to be delivered (directed) to users of that voice service, and the Input to be requested from the user, among other things. The content may include, for example, static text messages, dynamic content (e.g., text based on information output from an OLAP report, other database or other sources) or blended text (e.g., static text combined with dynamic content). One of the embodiments described by Zirngibl comprise connection lines computer networks, where it is evident

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that the monitoring and receiving devices are independent or abstract (**Abstract, FIG. 10, column 2 lines 44-65, column 7 lines 19-27, column 8 lines 6-15 and column 27 lines 14-57**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions to combine the combination of Shultz and Takahashi with the teachings of Zirngibl, motivated by Shultz to explore the art of monitoring and alerting (**column 4 lines 3-13**), in order to obtain the claimed invention with the advantages of a single device performing both functions and a more sophisticated monitoring and alert system/method.

17. Claims **27 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, further in view of Hawkins, as applied above; and further in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl and further in view of Daswani et al. (U.S. Patent Number **6,477,565**), hereinafter referenced to as Daswani.

The combination of Shultz with Takahashi, Hawkins and Zirngibl did not teach specific details regarding the use of a wireless network in the invention. Daswani disclosed a system wherein a data center accesses the Internet and a wireless network that includes a notebook computer (**abstract, FIG 1, Column 6 lines 1-26**). The advantages of accessing to wireless networks as taught by Daswani would include, but are not limited to, the utilization of a satellite links to overcome large geographical distances. It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to combine the combination of Shultz, Takahashi and Zirngibl, motivated by Takahashi to explore the art of wireless communication (**fig. 2**) with the teachings of Daswani to access a wireless network to retrieve data from databases and applications residing in such network exploiting the advantages of such wireless access.

18. Claims **28, 29 and 33-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz in view of Takahashi, further in view of Hawkins, as applied above; and further in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl; and further in view of von-Bultzinsgloewen et al. (**Active Information Delivery In A CORBA-Based Distributed Information System**) hereinafter von-Bultzinsgloewen.

Shultz combined with Takahashi, Hawkins and Zirngibl did not teach specific details regarding to define a change in content or a presence of a parameter as triggering events. von-Bultzinsgloewen disclosed in their paper a monitoring system that focuses on monitoring the change in content of a data source, which is an event that triggers a content analysis process. The content is then analyzed as a parameter against a threshold rule, which can be a trigger for a second event (**Pages 220-225**). One of the advantages monitoring the changes in content and using it as parameters is the capability to automate manual reviewing of data thus enhancing the accuracy and reducing the time required for reviewing data.

Regarding claim **35** the combination of Shultz, Takahashi, Zirngibl and von-Bultzinsgloewen **taught** means for automatically and periodically directing content to a destination device (**Takahashi fig. 5 and 11 and claim 12**).

It would have been obvious for one with ordinary skills in the art at the time the invention was made to combine the combination of Shultz, Takahashi and Zirngibl with the teachings of von-Bultzinsgloewen, motivated by Takahashi to explore the art of triggering events based on filtering conditions (**figs. 6 and 7**), in order to incorporate the advantages of more accurate results by monitoring change in content of data.

19. Claims **39-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**), hereinafter referenced to as Schultz in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Hawkins et al. (U.S. Patent Number 6,389,421 B1) hereinafter referenced to as Hawkins, as applied above.

Claims **39-47** recite the limitation that said individual threads are implemented as a decentralized approach, which was taught by the combination in Hawkins (**column 3 lines 63-67**).

20. Claims **1-5, 22, 26, 30, 31, 35-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (U.S. Patent Number 6,442,589 B1) hereinafter 'Takahashi' in view of Hawkins et al. (U.S. Patent Number 6,389,421 B1) hereinafter 'Hawkins'.

Regarding claims **1, 22, 26, 30, 31, 35-38**, Takahashi taught an individualized network information delivery system interposed between at least one data source and a destination device (**fig. 2, column 4 lines 29-49 and claims 1 and 12**); comprising a data source interface module to interface with at least one data source (**fig. 3 [102,52 and 62] and column 5 and 6, in particular column 5 lines 50-57 and column 6 lines 29-57**); a data worker module to automatically selectively retrieve data from said at least one data source (**fig. 3 [50, 100], column 5 lines 35-57**); a data event destination module to adaptively interface said selectively retrieved data to said destination device (**fig. 3 [50 and 74], column 6 lines 14-15,)**; and a data forwarder to automatically selectively forward said data to said destination device (**fig. 3 [50 and 84], column 6 lines 23-28, fig.4, column 6 line 29 to column 7 line 36; and claim 12**); wherein said individualized network information delivery system is adapted to be an event-driven architecture (**figs. 4 [69], 6 [205, 215, 220], 7-11 and 14; and in the specification for example in column 9 lines 8-18**) and said data worker module is adaptively abstract from said data source interface module (**fig. 3 [102, 100] and column 5 lines 50-54**). Takahashi further taught an event listener (**fig. 6 [215] and fig. 8 [265, 270]**).

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Takahashi taught the invention substantially as claimed, however did not expressly taught details regarding implementing user objects as individual threads.

Hawkins taught and individualized network information delivery system implements user objects as individual threads (**column 4 lines 1-9 and lines 41-45**).

It would have been obvious to one of ordinary skill in the art working with Takahashi at the time of the invention to modify Takahashi with the teachings of Hawkins (**column 4 lines 1-9 and lines 41-45**). Takahashi motivated the exploration of the art of information retrieval in the World Wide Web (**column 1 lines 5-8 and 38-41**); which is also motivate by Hawkins (**column 1 lines 5-25**). Takahashi taught data conversion processes (**column 3 lines 25-37**) that are well known in the art to be processor intensive, therefore Takahashi would have resulted to be improved by the new combination by minimizing the processing time in post retrieval operations as taught by Hawkins in **column 4, lines 1-9 and lines 41-45 and column 3 lines 46-56**.

Regarding claim 2, the new combination of Takahashi modified by Hawkins further taught a method/system interfacing with a short messaging system (**Takahashi: column 7 lines 37-67**).

Regarding claim 3, the new combination of Takahashi modified by Hawkins further disclosed in a Selective Message Redistribution [5] and separated destination

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devices such as a mail server [35], a cellular phone [30] and a pager [25], therefore describing an abstracted design. See **figure 2** in Takahashi.

Regarding claim **4**, **the new combination of Takahashi modified by Hawkins** further disclosed the inclusion of a search engine [61]. See **figure 4** in Takahashi.

Regarding claim **5**, after a closer review of the prior art Examiner clarifies that **the new combination of Takahashi modified by Hawkins taught** specific details regarding a query engine adapted to query a web page for content (**Takahashi: column 4 line 50 to column 5 line 54**). In particular in **column 5 lines 43-57**, Takahashi recites:

"The present invention is also preferably used with a programmable information collector 100. The programmable information collector may be a conventional news clipping application for searching the World Wide Web 105. However, preferably the programmable information collector comprises one of the information assistants of the BEHALF application of Fujitsu, Ltd. The information collector 100 preferably has a search filter 102 that utilizes keyword(s) and/or other search criteria to search one or more user-selected web-sites. Preferably the user may program the times at which programmable information collector 100 searches for information. As indicated in FIG. 3, information acquired by programmable information collector 100 is stored in the message document storage module 90."

Regarding claims **39-47**, Hawkins further taught the limitation that said individual threads are implemented as a decentralized approach, which was taught by Takahashi modified by Hawkins (**Hawkins: column 3 lines 63-67**).

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21. Claim **6-10, 19 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Hawkins, as applied above, and further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz.

Takahashi modified by Hawkins is hereinafter referenced to as ‘**the new combination**’.

Regarding claim **6**, **the new combination** taught the invention substantially as claimed however, **the new combination** did not expressly teach specific details regarding a query engine adapted to query a database for content.

Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual “files”, which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**). The advantages of searching a database to find information are well known to one with ordinary skills in the art at the time of the invention and include access to vast amounts of information arranged for ease of retrieval.

It would have been obvious to one of ordinary skill in the art working with **the new combination** at the time the invention was made to further combine **the new combination** with the teachings of Herz, motivated by Herz to exploration of the art of

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using the WWW (**column 8, lines 18-21**) or the internet, in order to provide a system that specifically query a database for content to add a different data source. Moreover suggestion to query for content is found in **the new combination (See Takahashi figure 4 [61], column 5 lines 52-57; and column 6, lines 29-38)**.

Regarding claim 19, **the new combination** taught the invention substantially as claimed however **the new combination** did not teach specific details regarding a Lotus database.

Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**) and specifically extending the invention to search E-mails in column 77 lines 16-77.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the new combination** with the teachings of Herz to query an e-mail database (**taught by Herz in column 77 lines 16-77**) such as a Lotus database to augment the searchable data sources; given the motivation provided by **the new combination** to explore the art of using an e-mail server as source (**Takahashi: fig. 2 and fig. 3 [52]**).

Regarding claims **10 and 21**, **the new combination** further modified with the teachings of Herz taught the invention substantially as claimed. However, **the new combination** further modified with the teachings of Herz did not expressly teach specific details regarding the use of XSL. Nevertheless, according to the definition of XSL, it is a language that allows describing how files are encoded in XML. It is well known in the art that XSL is a language, which allows one to describe how files encoded in the XML standard are to be formatted, see Newton's Telecom Dictionary (ISBN 1-57820-104-7), 2002, pages 841 and 842.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML in an environment using HTML, wherein XSL is inherent in XML, instead of HTML found in web pages (**Takahashi: column 4 line 50 to column 5 line 54**) as a substitute markup language for data exchange.

Regarding claim **7**, **the new combination** did not teach specific details regarding a query engine adapted to query a database for content using JDBC. However the advantages of JDBC are well known in the art of communicating with data sources (databases), such advantages by definition include: (a) It provides the specification for programs written in JAVA to connect with popular databases and (b) allow to encode access request statements written in Structured Query Language (SQL). It would have been obvious to one of ordinary skill in the art working with **the new combination** at the time the invention was made to further modify combine **the new combination** with the

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teachings of Herz to query a database for content using JDBC to gain access to a plurality of well known databases from programs written in JAVA.

Regarding claim 8, Herz further describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof (**column 33 lines 43-45**), Herz further inherently disclosed querying an e-mail account in **column 77 lines 16-77**.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the new combination** with the teachings of Herz to query e-mail accounts for content (**column 33 lines 43-45 and column 77 lines 16-77**), since e-mail accounts are well known to be stored in electronic mail databases or other type of searchable electronic files, thus adding a different data source to **the new combination**.

Regarding claim 9, Herz further teaches a system that evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects (**column 1 lines 27-30**) and said target objects are described to be electronically stored as text files can include commercially provided news articles, published documents, letters, user-generated documents, descriptions of physical objects, or combinations of these classes of data (**column 33 lines 52-56**),

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therefore describing documents in different formats but stored in text format (transformed from their original format).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the new combination** with the teachings of Herz to improve information retrieval time by tenderizing the format in which the information is stored as taught by Herz in **column 1, lines 27-30 and column 33, lines 52-56**.

22. Claims **11, 12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Hawkins, as applied above; and further in view of the definition of XML in The American Heritage® Dictionary, Fourth Edition.

Regarding claims **11 and 12**, **the new combination** did not teach specific details regarding the use of XML information transmitted from the data event destination module or received by the data source interface module; and also fail to teach the use of a protocol converter. According to The American Heritage® Dictionary, XML is a meta-language written in SGML that allows one to design a markup language and facilitates the exchange of data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify **the new combination** teachings to use a widely known language such as XML to facilitate data exchange and resend the user the information in an uniform format.

Regarding claim **12**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a protocol converter to provide a single protocol transmission. Moreover **the new combination** taught converting formats, which is commensurate with converting protocols, in order to forward data to user devices (**Takahashi: Fig. 5 [80]**).

Regarding claim **15**, **the new combination** further disclosed the inherent use of IMAP, POP and SMTP to communicate with e-mail server as depicted in Takahashi in **figures 2 and 3**.

Regarding claim **16**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time the invention was made to retrieve the requested information using a widely known language such as XML to facilitate data exchange.

Response to Arguments

Applicant's arguments with respect to claims **1-47** have been considered but are not persuasive.

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1. In the remarks, Applicant argues, in substance, that (1) the prior art does not teach a system interposed between a data source and a destination device, and (2) Hawkins does not disclose user objects, but rather watermark objects as individual threads having nothing to do with a user.

As to point (1) the Office respectfully disagrees. Applicant will appreciate that, on Figure 1, the server 10 is interposed between a source (i.e. digital data library 20) and a destination (i.e. client 30). Furthermore these limitations occur in the preamble, and as such carry no patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to point (2) the Office respectfully disagrees. Applicant has not argued any further limiting definition of the term "user object" and must be interpreted as broadly as possible in the art. As such, one of ordinary skill in the art could construe the watermarking processes of Hawkins as user objects since it watermarks data images in response to user requests (see Figure 5). By this rationale, the rejection is maintained.

Claims **1-47** stand rejected.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with

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scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA

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